

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**PROPOSED AMENDMENTS TO LOCAL RULES**

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**PUBLIC COMMENT PERIOD OCTOBER 3 TO NOVEMBER 4, 2025**

**ALL WRITTEN COMMENTS DUE BY NOVEMBER 4, 2025**

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Pursuant to 28 U.S.C. § 2071(b), and Fed. R. Civ. P. 83(a)(1), the United States District Court for the District of New Hampshire gives notice that the proposed amendments to the Local Rules published below are being considered for adoption to be effective 12/1/25. New matter is underlined/red; matter to be stricken is crossed out/red. The \*\*\*\*\* denotes omitted text before and/or after the pertinent rule section.

Input from the public and the bar is encouraged. All comments, including suggestions or other correspondence, should reference the specific rule/subsection and may be submitted electronically to [tracy\\_uhrin@nhd.uscourts.gov](mailto:tracy_uhrin@nhd.uscourts.gov) or in writing directed to the Clerk of Court, U.S. District Court, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Room 110, Concord, NH 03301-3941.

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**CIVIL RULES**

**1.1 General Rules**

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**(b) Effective Date.** Effective January 1, 1996, as amended December 1, 20~~23~~25.

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(§§ (e), and (f) amended 1/1/97; § (b) amended 1/1/97, 1/1/98, 1/1/99, 1/1/00, 1/1/01, 1/1/02, 1/1/03, 1/1/04, 1/1/05, 6/1/05, 1/1/06, 1/1/07, 1/1/08, 12/1/09, 12/1/11, 12/1/13, 12/1/15, 12/1/17, 12/1/18, 12/1/19, 12/1/21, 12/1/22, 12/1/23; 12/1/25 § (g) definition for Court Information System deleted 1/1/00; §(f) amended 1/1/06; § (g) amended 1/1/08; § (f) amended 12/1/13, 12/1/23)

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### 3.1 ~~Civil Cover Sheet~~ Case Opening

(a) Assignment of Cases. Except as otherwise provided in LR 42.1, LCrR 13.1, or otherwise entered as an order on the public docket, cases are not specifically assigned to a particular judge.

(b) Civil Cover Sheet. ...

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(§(a) added 12/1/25)

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### 4.3 Filings by Pro Se or In Forma Pauperis Plaintiffs, Pro Se or In Forma Pauperis Removal Defendants and Incarcerated Plaintiffs

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(d) Responsibilities of Clerk's Office and Preliminary Review by Magistrate Judge.

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(3) Filings by Nonincarcerated Pro Se Parties Who Have Paid the Filing Fee and Incarcerated Pro Se Parties Who Have Paid the Filing Fee and Are Not Suing a Government Agency or Employee.

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The clerk's office shall forward initial filings, including actions removed by a pro se defendant, to the magistrate judge for preliminary review to determine whether the court has subject matter jurisdiction. If the magistrate judge determines that the court lacks subject matter jurisdiction, the magistrate judge shall either recommend that the filings be dismissed, recommend that a removed action be remanded, or grant the party leave to file amended filings in accordance with the magistrate judge's directives. Preliminary review pursuant to this subsection does not delay the issuance of summons or extend a defendant's deadline to file a responsive pleading or assert defenses by motion pursuant to Fed. R. Civ. P. 12.

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(§ (d) amended 1/1/98; §§ (d)(1)(A), (d)(2), and (d)(2)(A)(i) amended 1/1/00; § (d)(1)(A) amended 1/1/03; §§ (d)(1)(B)(iii), (d)(2)(C) amended 1/1/08; §§ (d)(1)(A) and (B) amended, § (e) added 12/1/09; § (d) amended, § (e)(3) added 12/1/13; §(d)(3) amended 12/1/25)

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### 7.1.1 Disclosure Statements

*[While no substantive changes are being proposed to LR 7.1.1(a) – (c), these subsections of the rule have been restyled to improve readability. The language of §(d) remains unchanged.]*

~~(a) — **Form of Filing.** The disclosure statement for nongovernmental corporate parties and intervenors required by Fed. R. Civ. P. 7.1(a)(1) and this rule shall substantially conform to Civil Form 4, Nongovernmental Corporate Disclosure Statement. In cases in which jurisdiction is based on diversity of citizenship, the disclosure statement for parties and intervenors required by Fed. R. Civ. P. 7.1(a)(2) and this rule shall substantially conform to Civil Form 4.1, Diversity Disclosure Statement. An unincorporated entity, including but not limited to a partnership, limited liability company (“LLC”) or trust, must in the Diversity Disclosure Statement name and identify the citizenship of all individuals or entities whose citizenship is attributed to that unincorporated entity under applicable law (such as, as may be the case depending on the unincorporated entity and applicable law, partners, members, trustees, and beneficiaries). Additionally, if any entity whose citizenship is attributed to the unincorporated entity is itself an unincorporated entity, the name and citizenship of the individuals or entities whose citizenship is attributed to that unincorporated entity must likewise be disclosed until all related parties whose citizenship is attributable to the filing party have been disclosed. These disclosure statements must be filed as separate documents and may not be combined into one document.~~

~~(b) — **Additional Information.** The disclosure statement shall also identify any publicly held corporation with which a merger agreement exists.~~

~~(c) — **Partnerships and Limited Liability Companies.** When a partnership or an LLC is a party or intervenor to an action or proceeding, the partnership/LLC shall file a disclosure statement providing the information required in Fed. R. Civ. P. 7.1 and § (b) of this rule or shall state that there is no such corporate entity that holds such an interest in the partnership/LLC.~~

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#### (a) Nongovernmental Corporation Disclosure Statement

(1) **Who Must File.** Any nongovernmental corporation, partnership or limited liability company who is a party or who moves to intervene must file a Nongovernmental Corporate Disclosure Statement as required by Fed.R.Civ.P.7.1(a)(1) and this rule.

(2) **Form of Filing.** The disclosure statement shall substantially conform to Civil Form 4, Nongovernmental Corporate Disclosure Statement.

(3) **Additional Information.** The disclosure statement shall identify any publicly held corporation with which a merger agreement exists.

#### (b) Diversity of Citizenship Disclosure Statement

(1) **Who Must File.** Any party or intervenor in a case whose jurisdiction is based on diversity of citizenship must file the disclosure statement required by Fed. R. Civ. P. 7.1(a)(2).

(2) **Form of Filing.** The disclosure statement shall substantially conform to Civil Form 4.1, Diversity Disclosure Statement.

(3) **Unincorporated Entities.** An unincorporated entity, including but not limited to a partnership, limited liability company (“LLC”) or trust, must name and identify the citizenship of all individuals or entities whose citizenship is attributed to the unincorporated entity under applicable law.

(A) Individuals or entities attributed to the unincorporated entity under applicable law may include, but are not limited to, partners, members, trustees and beneficiaries.

(B) If any entity whose citizenship is attributed to the unincorporated entity is itself an unincorporated entity, the name and citizenship of the individuals or entities whose citizenship is attributed to that unincorporated entity must likewise be disclosed until all related parties whose citizenship is attributable to the filing party have been disclosed.

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(c) **Filing.** Nongovernmental Corporate Disclosure Statements and Diversity of Citizenship Disclosure Statements must be filed as separate documents and may not be combined into one document.

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(Formerly LR 83.6(a)(4), renumbered to 7.5 and amended 1/1/01; retitled, § (a) retitled and amended, § (b) retitled, relettered to (d) and amended, and new §§ (b) and (c) added 1/1/03; §§ (c) and (d) amended 12/1/09; § (d) amended 12/1/11; formerly LR 7.5 renumbered to 7.1.1, § (a) amended 12/1/13; §§ (a), (c) and (d) amended 12/1/22; §§ (a) and (c) amended 12/1/23; §§ (a) - (c) restyled 12/1/25)

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#### **9.4 Cases under § 502(a)(1)(B) of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1132(a)(1)(B)**

Unless otherwise ordered by the court, the following procedures shall govern all actions that include one or more claims under § 502(a)(1)(B), including removed cases in which an ERISA claim is pled and removed or diversity cases in which the court subsequently determines that ERISA preempts the state law claims.

**(a) The Administrative Record.** The defendant shall serve and file a copy of the administrative record with its answer. In those cases in which the court determines ERISA preempts state law claims and orders the plaintiff to file an amended complaint setting forth an ERISA claim, the defendant shall serve and file the administrative record with its answer

to the amended complaint. The administrative record shall consist of all relevant plan documents and any documents submitted, considered, or generated in the course of making the benefit determination or administering a plan. Any motion to modify the administrative record shall be served and filed within fourteen (14) days after the administrative record is filed.

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(Added 6/1/05; §§ (a), (b) and (d) amended 12/1/09; § (d) amended 12/1/15; §§ (a) and (b) amended 12/1/21; § (a) amended 12/1/25)

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## 10.1 Pseudonym Litigant

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(f) **Removal Cases.** In a removal case, if the plaintiff proceeded by pseudonym in state court, the Notice pursuant to §(a) and the motion pursuant to §(b) shall be due twenty-one (21) days after the filing of the notice of removal. Any objection to the motion must be filed fourteen (14) days after the filing of the motion. The clerk's office may also contact the party proceeding by pseudonym for the party's true name prior to the filing of the Notice for conflict checking purposes but will provisionally seal the identity of the party proceeding by pseudonym until the judge rules on the motion.

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(Added 12/1/23; § (f) added 12/1/25)

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## 56.1 Summary Judgment

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**(b) Memorandum in Opposition.** A memorandum in opposition to a summary judgment motion shall incorporate a short and concise statement of material facts, supported by appropriate record citations, as to which the adverse party contends a genuine dispute exists so as to require a trial. All properly supported material facts set forth in the moving party's factual statement may be deemed admitted for purposes of the motion unless properly opposed by the adverse party.

(c) **Facts Established for the Case.** The court will not treat any fact as established for purposes of the case under Fed. R. Civ. P. 56(g) without first:

(1) Providing notice to the parties of its intention to treat one or more specified facts as established for purposes of the case; and

(2) Affording each party an opportunity to show that the facts remain in genuine dispute.

(Formerly L.R. 7.2(b), renumbered to 56.1; § (b) amended 12/1/13; § (b) amended and § (c) added 12/1/25)

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## 77.6 Communication with Judicial Officers

(a) Parties and Counsel. ...

(b) Nonparties. Communications from nonparties directed to a judge and related to matters pending before the judge will not be presented to the judge for consideration in the case unless such communication is otherwise authorized by rule or court order.

(Amended 1/1/00; § (a) amended and § (b) added 12/1/25)

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## 80.1 Record of Proceedings

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**(b) Requests for Transcripts.** Any person may purchase a written transcript of court proceedings from the court reporter. or, for proceedings held in courtroom B, For detention hearings in which audio recording constitutes the official record of the proceedings, a party may purchase a copy of the tape audio recording from the clerk's office in lieu of a transcript, for assistance in preparing a bail appeal. The court reporter or clerk's office shall notify all named parties to the action of such a request.

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(§ (b) amended 1/1/00, 12/1/15; § (b) amended 12/1/25)

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## LR 83.17 Videoconference and Telephonic Hearings

(a) For any scheduled videoconference or teleconference criminal hearing in which the defendant is entitled to appear other than felony changes of plea or sentencings under Fed. R. Crim. P. 11 or 32, the court will presume that the defendant consents to participate by video or telephone. If a defendant elects not to consent, a pre-hearing objection should be filed (a) as soon as possible in magistrate judge hearings, and (b) at least 24 hours prior to a scheduled hearing before a district judge. If a felony change of plea or sentencing under Fed. R. Crim. P. 11 or 32 is otherwise authorized to be held by videoconference or teleconference, the defendant's consent to a remote appearance must be in writing, submitted prior to the proceeding and after consulting with counsel.

~~(b) The presiding judge in a criminal hearing will confirm the defendant's consent to appear by videoconference or teleconference at the commencement of the hearing.~~

~~(c) The court will make arrangements to assure that defense counsel and any interpreter can effectively communicate with a defendant in a criminal hearing during the course of a videoconference or telephonic hearing.~~

~~(d) The U.S. Probation and Pretrial Services Office may schedule and conduct pre-hearing interviews by telephone conference, with interpreters and counsel participating as necessary.~~

~~(e) Counsel shall: (a) notify any necessary witnesses that they will be participating by videoconference or teleconference; (b) provide the witness(es) with instructions for joining the videoconference/teleconference; (c) notify the presiding judge's case manager and opposing counsel as to any witness(es) that will be participating in the hearing; and (d) notify the presiding judge's case manager of any witness(es) who should be sequestered with the exception of their testimony.~~

~~(f) Exhibits shall be pre-marked and submitted to the presiding judge's case manager by email with a copy provided to opposing counsel at least 30 minutes prior to the scheduled hearing for a criminal hearing before a magistrate judge, and at least 24 hours prior to the scheduled hearing for all other hearings.~~

~~(g) To the extent the public has a right to attend a scheduled hearing or conference, any member of the public wishing to access the hearing may contact the Clerk's Office in advance of the hearing or conference to obtain the access information.~~

~~(h) To address unique circumstances and other logistical or case management issues, counsel may request a pre-hearing telephonic status conference with the court. Unless prior approval is obtained from the presiding judge, such status conferences shall be limited to counsel.~~

(Added 12/1/23; removed 12/1/25)

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## Civil Form 5

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4. *[This Reading Room paragraph may be appropriate only in cases involving extensive documents. The omission of this paragraph from the proposed Protective Order need not be explained in a motion for a protective order pursuant to LR 26.2.]* Reading Room. In order to facilitate timely disclosure of a large number of documents that may contain confidential documents, but that have not yet been reviewed and designated CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER, the following “Reading Room” procedure may be used at the election of the producing party.

a. Reading Room Review. Documents may be produced for review at a party's facility or other physical or electronic location ("Reading Room") prior to designation as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER. After review of the documents, the party seeking discovery may specify those for which copies are requested. If the producing party elects to designate any documents CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER, the copies shall be so marked prior to further production.

b. No Waiver of Confidentiality. The production of documents for review within the Reading Room shall not be deemed a waiver of any claim of confidentiality, so long as the reviewing parties are advised that pursuant to this Order the Reading Room may contain confidential documents that have not yet been designated CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.

c. Treatment of Produced Documents as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER. The reviewing party shall treat all documents reviewed in the Reading Room as designated CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER at the time reviewed. Documents copied and produced from the Reading Room that are not designated CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER are not subject to this Order.

d. Production of Documents. Unless otherwise agreed or ordered, copies of Reading Room documents shall be produced within thirty days after the request for copies is made. Production may be made by providing electronic copies of the documents so long as copies are reasonably as legible as the originals from which they are produced.

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## **CRIMINAL RULES**

### **5.1 Documents Signed by Criminal Defendants at ~~Videoconference~~ Initial Appearance or Arraignment**

The following applies to initial appearances or arraignments ~~conducted by videoconference~~ pursuant to Fed. R. Crim. P. 5(g) or 10(c):

(a) Defense counsel may sign a document on behalf of a criminal defendant, or obtain an electronic signature from the defendant, after personally reviewing the substance and meaning of the document with the client and obtaining the client's consent to sign it. The magistrate judge will conduct a colloquy to confirm the defendant's consent during the hearing.

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(Added 12/1/23; amended §(a) 12/1/25)

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## 12.1 Motion Practice

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(§ (d) amended 1/1/03; § (b) amended, § (c) added, former §§ (c)-(d) relettered accordingly 1/1/08; § (e) amended 12/1/09; § (e) added, former § (e) relettered accordingly, §§ (~~b~~ d) and new § (f) amended 12/1/21; §§ (b) and (d) amended 12/1/23)

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### 13.1 Related Criminal Cases.

(a) Definition of “Related Criminal Cases.” For the purposes of this rule, a criminal case shall be deemed related to another criminal case only if:

(1) The case arises out of the same, or substantially similar, charged scheme(s), transaction(s) or event(s) or a series of same, regardless of whether the matter is charged as a conspiracy; or

(2) One or more cases, by sharing common events or defendants, would entail substantial duplication of effort in the pretrial, trial and/or sentencing phases if heard by different judges.

The designation of a case as related is without prejudice to joinder or severance.

(b) Notice of Related Criminal Cases. If the government believes that a case is related to an earlier filed case, the government shall notify the clerk by notation on the criminal cover sheet indicating the title and docket number of the earlier filed case. A defendant may also file a motion to designate a case as related

(c) Case Assignment of Related Cases. A criminal case that is related to an earlier filed case shall be assigned to the district judge assigned to the earlier filed case.

(d) Transfer of Petition for Revocation of Supervised Release. A petition for revocation of supervised release alleging new criminal conduct that is charged in a new criminal case may be transferred to the district judge assigned to the new criminal case. The criminal case from which the petition for revocation of supervised release is transferred shall not be reassigned unless ordered by the court.

(e) Objection to Designation as Related Case. If a case is designated as related and assigned to a specific district judge pursuant to this rule, a party who objects to that designation may file a motion for random reassignment on the basis that the cases are not related as defined herein.

(Added 12/1/25)

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## **APPENDIX A SUPPLEMENTAL RULES FOR ELECTRONIC CASE FILING**

### **2.3 Format and Quality Control**

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**(b) PDF Documents Exceeding Ten Megabytes.** No individual PDF document exceeding 100 megabytes will be accepted in ECF. Any individual PDF document exceeding 100 megabytes must be divided into separate PDF documents of less than 100 megabytes.

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(§§ (a) and (b) amended; § (j) added 5/1/05; § (b) amended, § (k) added 10/1/05; § (f) stricken, former § (i) amended and relettered to (h), §§ (g)-(k) relettered accordingly 10/1/06; §§ (b) and (i) amended 5/15/08; §§(a) and (b) amended 12/1/09; § (b) amended 6/1/11; § (b) amended 12/1/15; § (b) amended 12/1/25)

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### **2.6 Certified Documents/Record and Social Security Administrative Records**

Except as provided herein, the following shall be electronically filed consistent with AP 2.3: (a) certified documents and records, including the state court record filed in removal proceedings, and (b) to the extent available in electronic format, the administrative record filed in social security cases. In social security cases, (1) the record must be submitted in segments of less than 100 megabytes, and (2) the government shall provide the court with a conventionally filed courtesy copy of the record upon request.

(Amended 6/1/11; amended 12/1/15; amended 12/1/25)

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